

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

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S.C. SUPREME COURT

Appeal from the Administrative Law Court

Honorable Ralph King Anderson, III, Chief Administrative Law Judge

Case No. 04-ALC-07-0126-CC

Appellate Case No.: 2015-001915

Sierra Club,

Respondent,

vs.

South Carolina Department of Health and
Environmental Control and Chem-Nuclear
Systems, LLC,

Defendants,

Of whom Chem-Nuclear Systems, LLC is

Petitioner,

And South Carolina Department of Health
And Environmental Control is

Respondent.

**Joint Motion for Extension of Time to File
Respondent South Carolina Department of Health and Environmental Control
and Respondent Sierra Club
Brief of Respondent on Certiorari**

TO: THE HONORABLE JUSTICES OF THE SOUTH CAROLINA SUPREME COURT:

COMES NOW the Respondent, South Carolina Department of Health and Environmental Control (“SCDHEC”) and Respondent Sierra Club (hereinafter, “Respondents”), pursuant to Rules 240 and 242, *SCACR*, and respectfully request this Supreme Court grant Respondents a ten-day (10) extension of time for each Respondent to file its *Brief of the Respondent on Certiorari*.

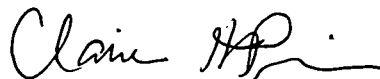
The basis for this motion is that counsel for SCDHEC, as a temporary part-time employee with the agency, was required to take a two-week break in state service from December 2, 2017, to December 18, 2017, during which time she was prohibited from working on any SCDHEC matters. The brief of Petitioner, Chem-Nuclear Systems, LLC, was filed with this Court on December 7, 2017 while counsel was on her break-in-service, and counsel was unable to address this matter until after her return to service on December 18.

In addition, the current schedule overlaps with the upcoming Christmas and New Year holidays when offices will be closed. With staff out for the holidays, additional time is needed for Respondents' to obtain client review and comment.

Based upon the current briefing schedule, each Respondent's *Brief of the Respondent on Certiorari*, is due on or before Monday, January 8, 2018 (as the 30th days falls on Saturday, January 6, 2018). Consequently, if this joint motion is granted, Respondents' Briefs would then be due on or before Thursday, January 18, 2018.

Respondents also respectfully request that this Court hold the briefing time in abeyance until such time as this joint motion may be considered and ruled upon. For information, counsel for the Petitioner, Chem-Nuclear Systems, LLC, has consented to this joint motion.

Respectfully submitted,

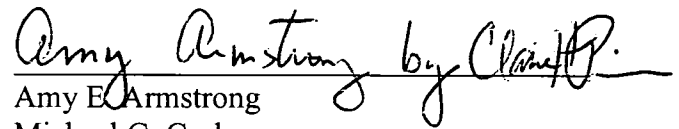


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Attorneys for Respondent Sierra Club

December 20, 2017

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Defendants,

Of whom Chem-Nuclear Systems, LLC is

Petitioner,

And South Carolina Department of Health
And Environmental Control is

Respondent.


Certificate of Service

I, Sandra R. Wessinger, Legal Assistant for the South Carolina Department of Health and Environmental Control, hereby certify that I have on this **20th day of December, 2017**, served a copy of the *Joint Motion for Extension of Time to File Respondent South Carolina Department of Health and Environmental Control and Respondent Sierra Club's Brief of Respondent on Certiorari* upon all parties and counsel of record in the above-captioned case, via United States Mail, First Class, postage prepaid, addressed as follows:

Amy E. Armstrong, Esquire
Michael G. Corley, Esquire
Post Office Box 1380
Pawleys Island, South Carolina 29585

Mr. Robert Guild, Esquire
314 Pall Mall Street
Columbia, South Carolina 29201

Mary Shahid, Esquire
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Sandra R. Wessinger

December 20, 2017
Columbia, South Carolina



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S.C. SUPREME COURT

Honorable Daniel E. Shearouse
Clerk, South Carolina Supreme Court
Post Office Box 11330
Columbia, South Carolina 29211

Re: Sierra Club vs. South Carolina Department of Health and Environmental Control
and Chem-Nuclear Systems, LLC
Appellate Case No.: 2015-001915

Dear Mr. Shearouse:

Enclosed please find the original and seven (7) copies of the Respondent South Carolina Department of Health and Environmental Control and Respondent Sierra Club's *Joint Motion for Extension of Time in Which to File the Brief of the Respondent on Certiorari* in the above-referenced case. I have also enclosed the original Certificate of Service, reflecting that this Motion has been served on all counsel of record.

We would appreciate your filing this Motion and Certificate of Service with the Supreme Court and returning a stamped copy to our office in the enclosed self-addressed stamped envelope.

Based on the current briefing schedule, SCDHEC and Sierra Club's *Brief of the Respondent on Certiorari* are currently due on or before Monday, January 8, 2018 (as the 30th day falls on Saturday, January 6th, 2018). Consequently, anticipating a favorable reception and subsequent grant of this extension motion, SCDHEC and Sierra Club's *Brief of the Respondent on Certiorari* would then be due on or before Thursday, January 18, 2018.

If you need anything else or if I otherwise may be of any assistance to you or to the Supreme Court regarding this matter or any other matter, please feel free to contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Claire H. Prince".

Claire H. Prince
Special Counsel

cc: Mary D. Shahid, Esquire/Stephen P. Groves, Sr., Esquire/Sara S. Rogers, Esquire
Amy E. Armstrong, Esquire/Michael G. Corley, Esquire
Robert Guild, Esquire